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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,969	04/11/2001	Michael L. Obradovich	42254/DMC/C685	3844
23363	7590	05/28/2004	EXAMINER	
CHRISTIE, PARKER & HALE, LLP 350 WEST COLORADO BOULEVARD SUITE 500 PASADENA, CA 91105			NGUYEN, LEE	
			ART UNIT	PAPER NUMBER
			2682	11

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/833,969

Applicant(s)

OBRADOVICH, MICHAEL L.

Examiner

LEE NGUYEN

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 2,4,10-12 and 17-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-9,13-16,27 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6-8.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 2, 4, 10-12, 17 and 18-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 10.

Information Disclosure Statement

2. The IDS filed 3/5/2002, 8/22/2002 and 5/19/2003 have been considered and recorded in the file.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3, 5-9 and 13-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Geiger et al. (US 6,377,810).

Regarding claim 1, Geiger teaches a location relevant server system comprising: a server 20 (fig. 1) receiving information indicating a location of a mobile communication device, the server being connected to a network 22 (col. 2, 32-38); memory 21 accessible to the server, the memory being associated with a mobile communication device 15, the memory storing information relating to a user of the mobile communication device, the memory including data concerning the location of the mobile communication device and data concerning establishment of communication with the mobile communication device (col. 2, 38-44, col. 4, 40-44); wherein the server executes a program allowing access to the memory storing information relating to the user of the mobile communication device, the program allowing different people different

associated with the PCD, the GPS server providing the PCD location and the unique identifier associated with the PCD to an application server 21 (col. 2, 38-44, col. 4, 40-44); the application server 21 configured to

access to the memory based on the identity of the user (col. 3, 30-50, col. 4, 45-67).

Regarding claim 3, the claim is interpreted and rejected for the same reason as set forth in claim 1.

Regarding claim 5, Geiger teaches a location relevant server system comprising: a personal communication device (PCD 15, fig. 1) comprising a GPS receiver 17 and wireless communication capability 15; a GPS server 20 receiving information indicating a location and a unique identifier

execute a program upon receiving the location and the unique identifier information associated with the PCD to update a user specific data space with a current location and the unique identifier associated with the PCD, the application server further configured to allow different users different access to the application sever based on the identity of a user (col. 3, 30-50, col. 4, 45-67).

Regarding claims 6-7, Geiger also teaches that the application server is further configured to store information concerning an individual

associated with the PCD in the user specific data space and that the application server is further configured to provide the information concerning the individual to a requester (col. 2, 41-44).

Regarding claim 8, Geiger also teaches that application server is further configured to modify data in the user specific data space (col. 4, 42-44).

Regarding claim 9, Geiger further teaches that the data in the user specific data space includes contact information regarding the individual (col. 2, 41-44).

Regarding claim 13, Geiger also teaches that the GPS server is further configured to send PCD locations and identifiers to the application server (col. 2, 32-44).

Regarding claim 14, Geiger further teaches that the application server is configured to provide different information concerning the individual to different requesters (col. 3, 61-65). Regarding claim 15, Geiger also teaches that the user specific data space stores contact information regarding a user associated with the PCD (col. 2, 41-44).

Regarding claim 16, the claim is interpreted and rejected for the same reason as set forth in claim 5. Geiger also teaches the Internet as shown in figure 1.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geiger et al.

Regarding claims 27-28, Geiger also teaches the phone (device ID, col. 2, 43-44). Geiger fails to teach the fax and e-mail information in the profile database. It is taken official notice that the art of providing contact with fax and e-mail information is conventionally well known. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include fax as well as e-mail into the contact information in the system of Geiger in order to provide plurality of communication options to the system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE NGUYEN whose telephone number is (703)-308-5249. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VIVIAN CHIN can be reached on (703) 308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 5/25/04
LEE NGUYEN
Primary Examiner
Art Unit 2682